

FILED  
UNITED STATES DISTRICT COURT  
OCT 12 AM 11:34  
DISTRICT OF CALIFORNIA  
WILLIAM W. WIERING  
U.S. DISTRICT COURT  
DISTRICT OF CALIFORNIA  
Case No. 07-CV-059

) Case No. 07-CV-05906 JSW  
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)  
)  
) VERIFIED NOTICE OF DEFAULT  
[F.R.C.P. 55(a)]  
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Now, by special appearance, comes Luz-Maria Urzua, the flesh and blood woman, Sui Juris and unschooled in law, hereinafter referred to as me, my, I, or the like, to make the following AFFIDAVIT with clean hands, full disclosure and no intent to defraud, furthermore, the following first hand asseverations are true, complete, certain and not meant to mislead or delay.

- 1.) I am of legal age, competent to testify and under no legal disability.
- 2.) Libellant has filed an action for declaratory judgment as a result of libellee's breach of agreement.
- 3.) Libellant has exhausted his administrative remedies in this instant matter.
- 4.) Libellant seeks a default judgment as libellees have failed to rebut the complaint.

1 5.) Libellees have failed to ask for a more definitive statement and  
2 are in agreement with libellant.

3 6.) I have perfected an administrative COUNTERCLAIM procedure to  
4 exhaust my administrative remedies in this instant matter, see  
5 Notary Protest.

6 7.) An examination of the Notary Protest will serve to establish that  
7 AMERICA'S SERVICING COMPANY has agreed to be bound to the COUNTERCLAIM  
8 obtained through the binding arbitration process of a Notary Protest, see  
9 Notary Protest.

10 OVERVIEW OF FACTS

11 8.) On July 26, 2007 Libellees sent a presentment to me  
12 demanding payment of a sum certain.

13 9.) I conditionally accepted that presentment upon AMERICA'S SERVICING COMPANY'S  
14 continuing fiduciary duty to deal honestly and answer questions about the  
15 underlying obligation.

16 10.) I then sought to exhaust my administrative remedies.

17 11.) On November 21, 2007 I filed suit in UNITED STATES DISTRICT COURT  
18 FOR THE NORTHERN DISTRICT OF CALIFORNIA, Case number CV-07-5906 WDB with the  
19 administrative procedure attached.

20 12.) THE RECORD shows that AMERICA'S SERVICING COMPANY received service of summons  
21 on the 23<sup>rd</sup> day of December of 2007, see attached postal form, certified mail  
22 number 7007 1490 0000 8781 2532.

23 13.) The RECORD shows that AMERICA'S SERVICING COMPANY has refused and/or failed to  
24 appear and defend.

25 14.) Twenty-eight days have passed since Case number CV 07-5906 JSW was filed.

15.) On the 4<sup>th</sup> day of March, 2008 I sent a NOTICE OF DEFAULT to AMERICA'S SERVICING  
COMPANY.

1 16.) THE RECORD shows that AMERICA'S SERVICING COMPANY received the NOTICE OF  
2 DEFAULT on the 6<sup>th</sup> day of March 2008, see attached postal form, certified mail  
3 number 7006 0100 0005 6183 8793.

4 17.) Three days have passed since AMERICA'S SERVICING COMPANY received the NOTICE  
5 OF DEFAULT.

6 18.) AMERICA'S SERVICING COMPANY has remained silent.

7 19.) AMERICA'S SERVICING COMPANY is not an infant or incompetent person.

8 20.) The RECORD shows that no request for a more definitive statement  
9 was executed by AMERICA'S SERVICING COMPANY.

10 21.) Federal Rules of Civil Procedure provide for default judgment by  
11 the clerk for a failure to appear and defend [rule 55(a)].

12 22.) The Protest evidences AMERICA'S SERVICING COMPANY'S agreement, consent and  
13 stipulation to my position.

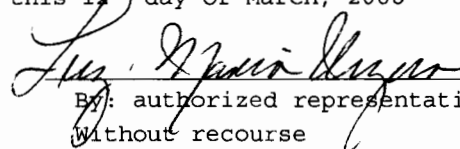
14 23.) AMERICA'S SERVICING COMPANY is in default.

15 24.) A default judgment by the clerk establishing OCWEN'S default is  
16 appropriate.

17 25.) A sum certain amount of \$148,515.714.16 is due and owing libellant  
18 by libellee.

19 My yea is my yea and my nay is my nay.

20 Dated this 12<sup>th</sup> day of March, 2008

21   
22 By: authorized representative  
23 Without recourse  
24  
25

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

LUZ-MARIA URZUA ) Case No. 07-CV-5906 JSW  
C/o 6787 Hillsvlew Dr, )  
Vacaville, California Zip Code )  
Exempt, )  
Libellant, )  
vs. )  
AMERICA'S SERVICING COMPANY, JOHN )  
STUMPH, CEO et. Al. )  
C/o P.O. Box 60768 )  
Los Angeles, California [90060] )  
Libellee,

PRECIEPE TO THE CLERK

Now, by special appearance, comes Luz-Maria Urzua, the flesh and blood woman, Sui Juris and unschooled in law, hereinafter referred to as me, my, I, or the like, to make the following NOTICE with clean hands, full disclosure and no intent to defraud, furthermore, the following first hand asseverations are true, complete, certain and not meant to mislead.

NOTICE is hereby given that:

1.) I am of legal age, competent to testify and under no legal disability.

2.) Kindly find enclosed a VERIFIED NOTICE OF DEFAULT and ENTRY OF

1 F.R.C.P. Rule 55(a) Entry provides:

2 When a party against whom a judgment for affirmative relief is sought  
3 has failed to plead or otherwise defend as provided by these rules and  
that fact is made to appear by affidavit or otherwise, the clerk shall  
enter the party's default.

4 And F.R.C.P. Rule 55 (b) Judgment provides:

5 Judgment by default may be entered as follows:

6 (1) By the Clerk.

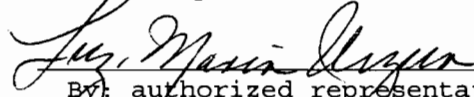
7 When the plaintiff's claim against a defendant is for a sum certain or  
for a sum which can by computation be made certain, the clerk upon  
8 request of the plaintiff and upon affidavit of the amount due shall  
enter judgment for that amount and costs against the defendant, if the  
9 defendant has been defaulted for failure to appear and is not an infant  
or incompetent person.

10 3.) Kindly verify that libellee has refused and/or failed to answer

11 and/or otherwise appear and defend and then ENTER JUDGMENT BY DEFAULT

12 in the above captioned case.

13 Dated this 12<sup>th</sup> day of March, 2008

14   
15 By: authorized representative  
16 Without recourse

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

LUZ-MARIA URZUA ) Case No. CV-07-5906 JSW  
C/o 6787 Hillsvieview Dr, )  
Vacaville, California Zip Code )  
Exempt, )  
Libellant, )  
vs. )  
AMERICA'S SERVICING COMPANY, JOHN )  
STUMPH, CEO et. Al. )  
C/o P.O. Box 60768 )  
Vacaville, California [90060] )  
Libellee,

CERTIFICATE OF SERVICE

Now, by special appearance, comes Luz-Maria Urzua, the flesh and blood woman, Sui Juris and unschooled in law, hereinafter referred to as me, my, I, or the like, to make the following NOTICE with clean hands, full disclosure and no intent to defraud, furthermore, the following first hand asseverations are true, complete, certain and not meant to mislead.

NOTICE is hereby given that:

1.) I am of legal age, competent to testify and under no legal disability.

1 2.)This is to certify that on March 12, 2008 I placed a true and accurate  
2 copy of the enclosed PRECIEPE, VERIFIED NOTICE OF DEFAULT and ENTRY OF  
3 DEFAULT in the U. S. mail with postage prepaid and addressed as follows:

4 AMERICA'S SERVICING COMPANY

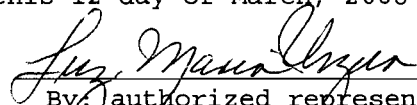
5 JOHN STUMPH, CEO et. Al.

6 C/o P.O. Box 60768

7 Loas Angeles, California [90060]

8 With certified mail number 7007 3020 0002 8856 8800

9  
10 Dated this 12 day of March, 2008

11   
12 By: authorized representative  
13 Without recourse  
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